



General Assembly

January Session, 2013

**Committee Bill No. 5345**

LCO No. 4403



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

**AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND  
CONSUMER PROTECTION.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 20-678 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2014*):

3 On or after January 1, 2012, each homemaker-companion agency,  
4 prior to extending an offer of employment or entering into a contract  
5 with a prospective employee, shall require such prospective employee  
6 to submit to a comprehensive background check. In addition, each  
7 homemaker-companion agency shall require that such prospective  
8 employee complete and sign a form which contains questions as to  
9 whether the prospective employee was convicted of a crime involving  
10 violence or dishonesty in a state court or federal court in any state; or  
11 was subject to any decision imposing disciplinary action by a licensing  
12 agency in any state, the District of Columbia, a United States  
13 possession or territory or a foreign jurisdiction. Any prospective  
14 employee who makes a false written statement regarding such prior  
15 criminal convictions or disciplinary action shall be guilty of a class A  
16 misdemeanor. Each homemaker-companion agency shall maintain a

17 paper or electronic copy of any materials obtained during the  
18 comprehensive background check and shall make such records  
19 available for inspection upon request of the Department of Consumer  
20 Protection. Prior to sending an employee to a client's residence for the  
21 first time, each homemaker-companion agency shall inform its clients,  
22 in writing, of the result of any comprehensive background check  
23 performed in relation to such employee pursuant to this section.

24 Sec. 2. Section 20-679 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective January 1, 2014*):

26 Not later than seven calendar days after the date on which a  
27 homemaker-companion agency commences providing homemaker  
28 services or companion services, such agency shall provide the person  
29 who receives the services, or the authorized representative of such  
30 person, with a written contract or service plan that prescribes the  
31 anticipated scope, type, frequency, duration and cost of the services  
32 provided by the agency. In addition, any contract or service plan  
33 provided by a homemaker-companion agency to a person receiving  
34 services shall also provide conspicuous, boldface notice (1) of the  
35 person's right to request changes to, or review of the contract or service  
36 plan, (2) of the employees of such agency who, pursuant to section 20-  
37 678 are required to submit to a comprehensive background check,  
38 [and] (3) that such agency's records are available for inspection or  
39 audit by the Department of Consumer Protection, (4) that the agency is  
40 not able to guarantee the extent to which its services will be covered  
41 under any insurance plan, and (5) that such contract or service plan  
42 may be cancelled at any time by the client if such contract or service  
43 plan does not contain a specific period of duration. No contract or  
44 service plan for the provision of homemaker or companion services  
45 shall be valid against the person who receives the services or the  
46 authorized representative of such person, unless the contract or service  
47 plan has been signed by a duly authorized representative of the  
48 homemaker-companion agency and the person who receives the  
49 services or the authorized representative of such person. The

50 requirements of this section shall not apply to homemaker services or  
 51 companion services provided under the Connecticut home-care  
 52 program for the elderly administered by the Department of Social  
 53 Services in accordance with section 17b-342. A written contract or  
 54 service plan between a homemaker-companion agency and a person  
 55 receiving services or the authorized representative of such person shall  
 56 not be enforceable against such person receiving services or authorized  
 57 representative unless such written contract or service plan contains all  
 58 of the requirements of this section.

59 Sec. 3. (NEW) (*Effective January 1, 2014*) A client may cancel a  
 60 contract or service plan entered into with a homemaker-companion  
 61 agency, pursuant to chapter 400o of the general statutes, at any time if  
 62 such contract or service plan does not state a specific period of  
 63 duration. A client shall only be obligated to pay for actual services  
 64 rendered pursuant to such contract or service plan and shall not be  
 65 billed by or on behalf of a homemaker-companion agency for excess  
 66 fees or costs when such agency provides the services of a higher-  
 67 skilled individual than needed by the client.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	20-678
Sec. 2	<i>January 1, 2014</i>	20-679
Sec. 3	<i>January 1, 2014</i>	New section

**Statement of Purpose:**

To provide greater protection for consumers contracting for services with homemaker-companion agencies.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. RITTER E., 38th Dist.; REP. RILEY, 46th Dist.  
 REP. SERRA, 33rd Dist.

H.B. 5345